

1 HONORABLE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD KINGSBERRY, individually and
on behalf of all others similarly situated,

Case No. C07-5706RBL

Plaintiff,

ORDER GRANTING MOTION FOR
EXTENSION IN PART

v.

CHICAGO TITLE INSURANCE
COMPANY,

Defendant.

THIS MATTER is before the Court on Plaintiff's Motion to Amend the Class Discovery Deadlines and Scheduling Order. [Dkt. #80]. Plaintiff seeks 90 additional days to complete discovery (and also has pending a Motion to compel Discovery responses [Dkt. #79]).

Defendant strenuously opposes the extension, accusing the Plaintiff of "sleepwalking through 15 months of discovery." It also opposes the Motion to compel, arguing that the discovery sought either has been answered or is irrelevant. It claims that there is no good cause for an extension because much of the discovery sought will be provided (immediately) before the current deadline, and because the delay is due to the Plaintiff's lack of diligence. Plaintiff denies these allegations.

As is often the case with respect to discovery disputes, it is difficult and largely fruitless for the court to ascertain exactly how the situation came to be. It is true that there have been several extensions, but it is also true that there appears to be outstanding discovery, and that there has been fairly extensive motion practice during the case's existence.

1 The Court GRANTS the Motion to Amend the Class Discovery Deadlines and Scheduling Order
2 [Dkt. #80], as follows:

3 The deadline for Plaintiff to file a Motion for Class Certification is extended until August 24,
4 2009. Defendant's Opposition to Motion for Class Certification is due September 28, 2009. Plaintiff's
5 Reply Brief is due October 23, 2009. The Motion for Class Certification shall be noted on the motion
6 calendar for October 30, 2009. Class and Merits discovery is bifurcated as follows: Class discovery
7 deadline is August 21, 2009. Merits discovery will begin, if necessary, after a ruling on the class
8 certification issue. The remaining schedule will remain the same, and any future impacts on the remaining
9 trial schedule will be addressed as they arise. The Court will issue a separate Order resolving the
10 Plaintiff's Motion to Compel [Dkt. #79].

11 || IT IS SO ORDERED.

13 || Dated this 29th day of July, 2009.

Ronald B. Leighton
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE